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Historian Wins Access Suit

In 1978, Dr. Elizabeth Eudey, research associate in the Department of Statistics at the University of California, requested a waiver of fees from the CIA for documents, obtainable under the Freedom of Information Act, to be used in a study of relations between the United States government and French and Italian trade unions. The request was denied by the CIA and subsequently appealed by Dr. Eudey. The CIA denied the appeal, stating that much of the material requested by Dr. Eudey was exempt from disclosure under the FOIA and that even an extensive search through agency files would yield very little substantive or relevant information.

In July 1979, Mark Lynch, Counsel for the ACLU Center for National Security Studies, filed a motion for summary judgment in the case to the U.S. District Court for the District of Columbia. The court ruled in Dr. Eudey's favor in October 1979. Her letter to Mack Thompson concerning the case follows:

Dear Dr. Thompson:

The case you supported to secure a waiver of processing fees for my post-World War II research was won by Mark Lynch, Counsel for the ACLU-Center for National Security Studies project on National Security.

I enclose a copy of Judge Robinson's Order of October 26, 1979. The case was not appealed and Mr. Lynch has asked that my requests be processed in the order of their filing dates. I am particularly encouraged by a section of the Order which states:

"Finally, although the CIA has determined that most of the material sought is exempt from disclosure, once the plaintiff's request is processed the agency's determination will be subject to judicial review with the burden on the agency to justify non-disclosure under the statutory exemptions. It cannot be gainsaid that in many cases government agencies are unable to meet that burden."

Mr. Lynch's exceptionally able handling of this case has, I believe, produced an important advance for historians' access to government documents. The appeal and lawsuit were made possible by the terms of a grant from the Stern Fund supporting my research as a project of the Center for National Security Studies. My thanks and appreciation for your backing.

Sincerely,
Elizabeth Eudey